

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-9 are allowed. Claims 10-18 and 25-33 are withdrawn, and claims 21-22 and 34-92 are cancelled. Claims 19-20 and 23-24, as amended herein, are submitted for the Examiner's reconsideration.

Claim 19 has been amended to place the application in condition for allowance by incorporating the limitations previously set out in claims 21 and 22, and claims 20 and 23 have been amended solely to provide proper antecedence. No new matter has been added by these amendments. It is therefore submitted that the present Amendment should be entered.

In the prior Office Action mailed May 23, 2005, an election of a single species was required, and the Examiner indicated that:

Upon allowance of a generic claim, applicant[s] will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

Claim 1, from which pending claims 2-9 and withdrawn claims 10-18 depend, is generic to all species. Further, amended claim 19, from which pending claims 20 and 23-24 and withdrawn claims 25-33 depend, is generic to the elected species and to the non-elected species covered by the withdrawn claims 25-33. Applicants therefore request that the Examiner withdraw the restriction requirement between the allowable elected species and the non-elected species and that the Examiner examine claims 10-18 and 25-33, which cover the non-elected species, on the merits. See MPEP §§ 821.04 and 821.04(a).

In the present Office Action, the Examiner objected to the title of the invention. The title of the invention has been

amended to correct the informality.

Claim 20 was rejected under 35 U.S.C. § 112, second paragraph. The claim has been amended to correct the informality. It is therefore submitted that claim 20 is in full compliance with the requirements of 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 19-20 under 35 U.S.C. § 103 as being unpatentable over Weeks (U.S. Patent No. 6,617,060) and rejected claim 21 under 35 U.S.C. § 103 as being unpatentable over Weeks in view of Feltsin ("Stress control in GaN grown on silicon (111) by metalorganic vapor phase epitaxy", pp. 3230-3232). The Examiner also objected to claims 22-24 as being dependent upon a rejected base claim but indicated that the claims would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claim 19 has been amended to include the limitations previously called for in claim 21 and allowable claim 22. It is therefore submitted that claims 19-20 and 23-24 are in condition for allowance, and the withdrawal of the rejections under 35 U.S.C. § 103(a) are respectfully requested.

Applicants express appreciation for the allowance of claims 1-9.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

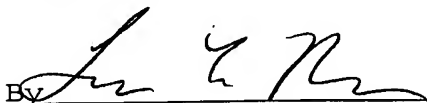
Application No.: 10/721,488

Docket No.: EMCORE 3.0-081

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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